

## **Remarks/Arguments**

### **1. Status of the claims**

As noted above, Applicant has cancelled claims 1-40 without prejudice or disclaimer. Applicant has added new claims 41-59 which are similar in substance to claims 1-19, as originally presented. Applicant respectfully submits that new claims 41-59 are directed to patentable subject matter under 35 U.S.C. § 101.

### **2. Rejections under 35 USC § 101**

In response to the prior Office Action, Applicant amended claim 1-19 to recite additional computer-related structure. However, in the present final Office Action, the Examiner has again rejected claims 1-19 (as amended) under 35 U.S.C. § 101, as allegedly directed to non-statutory subject matter.

In the prior Office Action, the Examiner initially rejected Claims 1-19 (as originally presented) under 35 U.S.C. § 101 for the same reason. In both Office Actions, the Examiner does not explain any specific deficiencies in the claims and does not indicate, in any manner, how the § 101 rejection could be overcome, although such an explanation is required under MPEP § 2106.

Office personnel should state all reasons and bases for rejecting claims in the first Office action. Deficiencies should be explained clearly, particularly when they serve as a basis for a rejection. Whenever practicable, Office personnel should indicate how rejections may be overcome and how problems may be resolved. A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.

### **MPEP § 2106.**

In fact, the Examiner has failed to reference any of Applicant's pending claim language and, accordingly, Applicant is now in the position of responding to a third and final Office Action without the benefit of a properly supported rejection. This is exactly the type of unnecessary delay contemplated by § 2106 of the MPEP. Since the Examiner has not followed the examination guidelines for computer-related inventions, Applicant respectfully submits that the "finality" of the current Office Action is improper and should be withdrawn.

Applicant also notes that the Examiner did not address the § 101 rejection in the first Office Action. Instead, the Examiner requested that Applicant elect to prosecute one of four inventions. The Examiner identified each of the four inventions as directed to class 705. In response, Applicant elected to prosecute the Group I claims, claim 1-19, which the Examiner identified as directed to a method of billing, class 705, subclass 40. It is, therefore, unclear how the Examiner could initially classify claims 1-19 as directed to patentable subject matter, then reject the same claims under § 101. Clearly, the first Office Action is inconsistent with the Examiner's subsequent position.

Turning to the alleged substance of the Examiner's § 101 rejection, Applicant respectfully traverse the rejection. Claims 41-59 (similar to original claims 1-19) clearly recite processes that satisfy the requirements of 35 USC § 101 and that clearly provide a useful, concrete, and tangible result including a novel, non-obvious method of operating a postage payment system. See State Street Bank & Trust Co. v. Signature Financial Group, Inc., 149 F.3d 1368 (Fed. Cir. 1998).

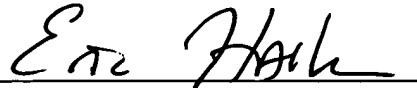
35 U.S.C. § 101 defines four categories of inventions that Congress deemed to be the appropriate subject matter of a patent; namely, processes, machines, manufactures and compositions of matter. MPEP § 2106 (IV)(A). As defined in 35 U.S.C. 100(b), the term process means process, art or method, and includes a new use of a known process, machine, manufacture, composition of matter or material. New claims 41-59 of the present application are directed to a method for generating and processing billing and payment information in order to transmit a bill to a customer.

By utilizing the method of the present claims, a bill is transmitted to a customer for services performed by multiple tier parties. These claims are, therefore, not directed to an abstract idea, but to a useful and practical application of an idea in the art of customer billing, and recite real-world structure or functionality to apply, involve, use or advance the technological arts. In particular, a real-world bill is transmitted to a real-world customer for multiple services performed by multiple tier parties.

Accordingly, Applicants respectfully submit that claims 41-59 satisfy the requirements of 35 USC § 101 and respectfully request that the Examiner withdraw the rejection.

In view of the foregoing amendments and remarks, it is respectfully submitted that the claims of this application are now in a condition for allowance and favorable action thereon is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric Halber", written over a horizontal line.

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